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June 24, 2016

CE/A

Lawrence H. Norton

VIA ELECTRONIC MAIL

Federal Election Commission
Office of Complaints Examination
and Legal Administration
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Attention: Jeff S. Jordan, Assistant General Counsel, Complaints Examination & Legal
Administration (jjordan@fec.gov)
Mary Beth deBeau, Paralegal (mdebcau@fec.gov)

Re: MUR 7072

Dear Mr. Jordan and Ms. deBeau:

Please be advised that we will file a written response to the complaint on behalf of our clients, Mr. Babulal Bera and Ms. Kanta Bera, on or before June 30, 2016. This brief extension is warranted in light of the due process and liberty interests at stake in this matter, as well as OGC's dilatory and improper handling of the complaint filed against our clients.

As you are aware from the attachments to the complaint, Mr. Bera is an 83-year-old first generation American who pleaded guilty on May 10, 2016, to violations of the Federal Election Campaign Act related to his efforts to support his son's campaign for the U.S. House of Representatives. *See* attachments to complaint. With Mr. Bera's sentencing scheduled for August 4, 2016, a modest extension to respond to the complaint is essential to allow adequate time to confer with Mr. Bera's counsel in the criminal case and ensure that his constitutional rights are fully protected.

Further, OGC's insistence on 40 days tolling for a 20-day extension is fundamentally unfair, especially when 30-day extensions without tolling are routinely granted. The demand is nothing more than a maneuver to backdate the Commission's receipt of the complaint by 20 days. In addition, OGC's suggested approach simply cannot be justified in light of OGC's handling of this matter. It took OGC a full week to advise us that our request for a 30-day extension, submitted on June 15, 2016, was denied. While Mr. Jordan left a voicemail message in response to our request, he did not indicate whether the request was granted. During the ensuing week, we left multiple voicemail messages for Mr. Jordan, but did not hear back until six days later—June 21. The following day, June 22, Mr. Jordan advised us that OGC would agree only to a 20-day extension, and only then if our clients would agree to toll the statute of limitations for twice that length of time.

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Finally, as explained in our letter of June 21, 2016, the complaint served on respondents did not contain complainant's address, which Mr. Jordan advises was on the envelope received by the Commission. We asked Mr. Jordan to send us the complainant's address and offered to file a written response to the complaint within 15 days (the statutory period) thereafter. Mr. Jordan told us that OGC would send us the address (we are still waiting), but that OGC considers the complaint timely served when it was delivered to our clients without complainant's address. It violates Commission regulations, as well as principles of fairness and due process, for OGC to insist that the 15-day period for responding to the complaint began running upon service of a complaint that failed to fully identify the Beras' accusers.

Notwithstanding the issues raised above, and without waiving any arguments that may be asserted on behalf of our clients in the above-referenced MUR, we plan to file a written response to the complaint on or before June 30, 2016. However, we will not agree to toll the statute of limitations. If the Commission intends to consider this matter before June 30, we request that OGC give the Commission this letter and our June 21 correspondence.

Thank you for your attention to this matter. Please contact either of us if you have any questions.

Respectfully submitted,



Lawrence H. Norton
William A. Powers

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